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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

The parties appeared before the Honorable Edward M. Chen on March 6, 2009. With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from March 6, 2009 to April 10, 2009. The defendant is a citizen and resident of Canada, and must return to the Northern District of California on April 13, 2009 to appear in state court on charges in San Mateo County. Defense counsel requested that the defendant next appear before this court in mid-April to allow the defendant to make a single trip back to the Northern District of California to appear for both hearings and consult with his counsel. Failure

1 to grant the requested continuance would unreasonably deny the defendant continuity of counsel
2 and deny defense counsel reasonable time necessary for effective preparation, taking into account
3 the exercise of due diligence and the need for counsel to review the discovery with the defendant.

4 2. Given these circumstances, the Court found that the ends of justice served by
5 excluding the period from March 6, 2009 to April 10, 2009, outweigh the best interest of the
6 public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.
7 § 3161(h)(8)(A).

8 3. Accordingly, and with the consent of the defendant, the Court ordered that the period
9 from March 6, 2009 to April 10, 2009, be excluded from Speedy Trial Act calculations under 18
10 U.S.C. § 3161(h)(8)(A) & (B)(iv).

11 4. Further, the defendant consented to, and for the reasons stated above good cause was
12 shown for, waiving the requirement that a preliminary hearing be held within the time limits set
13 forth in Federal Rule of Criminal Procedure 5.1(c).

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15 IT IS SO STIPULATED.

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17 DATED: March 6, 2009

/s/
JODI LINKER
Counsel for Neil Arruda

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20 DATED: March 6, 2009

/s/
BRIAN C. LEWIS
Assistant United States Attorney

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22 IT IS SO ORDERED.

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25 DATED: 3/12/09

Edward M. Chen
United States Magistrate Judge

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